

Remarks

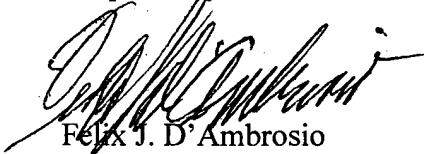
The prior application was under a final rejection issued on June 18, 2003. In this final rejection, the examiner rejected pending claims 1-6, 8-18 and 24-37. These claims have been replaced by new claims 38 - 48. Included are claims 37 - 41 to a novel apparatus, claims 42- 43 to a novel plant, claims 44 - 45 to a novel method, and claims 46 - 48 to a novel control unit, all utilizing a mimic image of the apparatus used in the industrial process, with the memorized software being loadable from the apparatus into a central control unit to provide the central control unit with the specification of the apparatus. This arrangement allows for simulation of the apparatus in the control unit as if it were on-line.

The examiner applied three references against the noted rejected claims, namely: Banks, Tabak and Tucker. Specifically, the examiner applies Banks in view of Tabak and Tucker. The examiner identifies "7 limitations" of prior claim 1 and suggests that Banks teaches all but two of these limitations. Banks does discuss simulation in text book fashion. Banks is really not specific enough to assume the role assigned to it by the examiner. For example, applicant has stated that a mimic image includes all the data regarding the apparatus necessary to control the apparatus. The examiner states that Banks' statement that "complex enough to answer the questions raised, but not too complex" is really saying the same thing. Why? The context of this statement is found in the following sentences on page 6: "A *model* is a representation of an actual system. Immediately, there is a concern about the limits or boundaries of the model that supposedly represent the system. The model should be complex enough to answer the questions raised, but not too complex." The last sentence is merely intended to bring the definition of a model in better focus. It really does not tell us anything concrete, and certainly nothing that the person skilled in the art of the present invention could use. All models are not

equal and the mere mention of a model does not preclude all inventions on models. A claim must be considered in its entirety. See, *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 USPQ 416 (Fed. Cir. 1986).

The examiner is urged to reconsider the applied references in light of the newly submitted claims and to find that claims 38 - 48 are allowed.

Respectfully submitted,



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